

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IGNACIO LOERA,

Petitioner,

v.

No. 12-cv-0648 WJ/SMV

JAMES JANECKA, Warden et al.,

Respondents.

ORDER TO ANSWER

The Court having entertained the Petition [Doc. 1] proceeding in forma pauperis pursuant to 28 U.S.C. § 2254 and 28 U.S.C. § 1915, *see* 28 U.S.C. § 2254 R.4, and the Court having determined that the petition is not subject to summary dismissal,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Clerk is directed to forward copies of this Order and the Petition to Respondent and the New Mexico Attorney General. Respondents shall answer the petition within thirty days from entry of this Order. Respondents' answer shall advise, but is not limited to, whether Petitioner has exhausted his state court remedies as to the issues raised in the Petition. In each case, Respondents shall attach to their answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by all parties in support of or in response to those pleadings. Respondents shall also attach to the answer copies of all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's state court post-conviction or appellate proceedings. In the event Respondents deny exhaustion, Respondents shall identify the

State procedures currently available to Petitioner given the nature of Petitioner's claims and their procedural history.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge